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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10   ETIENNE L CHOQUETTE,

11   Plaintiff,

12   v.

13   BERNARD E WARNER et al.,

14   Defendants.

CASE NO. 3:15-CV-05838-BHS-JRC

ORDER GRANTING LEAVE TO
FILE AMENDED COMPLAINT

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16   The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States

17   Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §

18   636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

19   Plaintiff, proceeding *in forma pauperis*, filed this civil rights complaint pursuant to 42

20   U.S.C. § 1983. Presently before the Court is plaintiff's motion to amend complaint. Dkt. 58. Also

21   pending is defendant's motion to dismiss (Dkt. 40), which the Court will address in a separately

22   filed Report and Recommendation.

23   Under Rule 15(a) of the Federal Rules of Civil Procedure,

24   (1) *Amending as a Matter of Course*

ORDER - 1

1   A party may amend its pleading once as a matter of course within:
       (A) 21 days after serving it, or

2   (B) if the pleading is one to which a responsive pleading is required,
       21 days after service of a responsive pleading or 21 days after

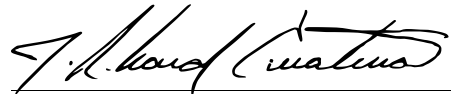3   service of a motion under Rule 12(b), (e), or (f), whichever is
       earlier.

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       (2) *Other Amendments*

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       In all other cases, a party may amend its pleading only with the

6   opposing party's written consent or the court's leave.   The court
       should freely give leave when justice so requires

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       Having reviewed plaintiff's motion, with no opposition from defendants, *see* Dkt. 59, the

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Court grants plaintiff's motion to amend, Dkt. 58.

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       The Clerk is directed to docket the attached proposed third amended complaint, Dkt. 58-

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1, as plaintiff's third amended complaint.

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       Dated this 8th day of November, 2016.

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                                              J. Richard Creatura

14   United States Magistrate Judge

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ORDER - 2